

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

HAMAND, CATHY JO,
HAMAND, JAMES PAUL,
Debtors.

Chapter 7
Case No.: 03-61497

NOTICE OF HEARING AND MOTION TO OBJECT TO CLAIM

TO: THE CLAIMANT, THE DEBTORS, THE DEBTORS' ATTORNEY, AND THE US TRUSTEE:

1. The trustee herein moves the court for the relief requested below and gives notice of hearing.

2. The court will hold a hearing on this motion at 11:00 a.m. on October 27, 2004, at 204 U.S. Courthouse, 118 South Mill Street, Fergus Falls, MN 56537.

3. Any response to this motion must be filed and served not later than October 18, 2004, at 11:00 a.m., which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays), or filed and served by mail not later than October 13, 2004, which is ten days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

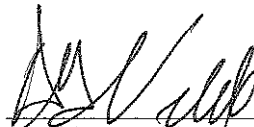
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is the core proceeding. The petition commencing this chapter 7 case was filed on December 1, 2003. The case is now pending in this court.

5. This motion arises under 11 U.S.C. § 502 and Fed. R. Bankr. P 3007. This motion is filed under Bankruptcy Rule 9014 and local rule 9013. Movant requests relief with respect to the claim filed by Minnesota Higher Education Ser as Claim No. 1 in the amount of \$3,728.61 and does

specifically seek an Order of this Court denying said claim as an unsecured priority claim and declare the claim an unsecured nonpriority claim.

Wherefore, the trustee moves the Court for an Order denying Claim No. 1 of Minnesota Higher Education Ser in the amount of \$3,728.61 as an unsecured priority claim and declaring the claim to be an unsecured nonpriority claim and such other relief as may be just and equitable.

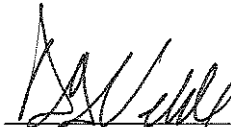
Dated: 9/29/04



David G. Velde, Trustee
1118 Broadway
Alexandria, MN 56308
320-763-6561

Verification. I, David G. Velde, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Date: 9/29/04



David G. Velde

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

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Chapter 7
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ORDER DENYING CLAIM

It appears to the court that the claim filed by Minnesota Higher Education Ser as Claim No. 1 in the amount of \$3,728.61 is not an unsecured priority claim.

NOW, THEREFORE, upon the motion of the trustee seeking an Order of this Court denying the claim of Minnesota Higher Education Ser filed April 19, 2004, in the amount of \$3,728.61, and after a hearing before the court on said motion.

IT IS ORDERED that the claim of Minnesota Higher Education Ser in the amount of \$3,728.61, filed as Claim No. 1 is denied as an unsecured priority claim and that the status of the claim is unsecured nonpriority.

Dated: _____

US Bankruptcy Judge

STATE OF MINNESOTA)
) ss.
COUNTY OF DOUGLAS)

Julie A. Dolman, of the City of Alexandria, County of Douglas, in the State of Minnesota, being duly sworn, says that on the 29th day of September, 2004, she served the attached Notice of Hearing and Motion to Object to Claim and proposed Order, by electronically filing with:

US Bankruptcy Court
204 PO Building
118 S. Mill Street
Fergus Falls MN 56537

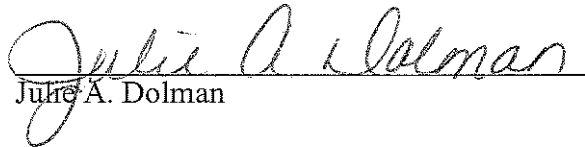
and mailing to a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the post office at Alexandria, Minnesota, directed to said at:

Habbo G. Fokkena
US Trustee
1015 US Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Michael R. Ruffenach
Attorney at Law
P.O. Box 262
Bemidji, MN 56619-0262

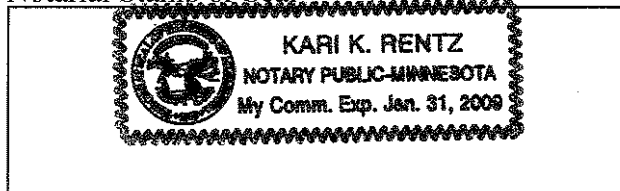
James and Cathy Hamand
15 SW Pleasant Avenue
Akeley, MN 56433

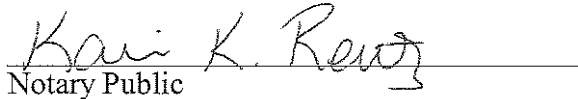
Minnesota Higher Education Ser
1450 Energy Park Drive, Suite 350
St. Paul, MN 55108-5227


Julie A. Dolman

Subscribed and sworn to before me this 29th day of September, 2004.

Notarial Stamp or Seal




Notary Public